

APPENDIX 2

ENFORCEMENT ACTIVITY UNDERTAKEN BY THE COUNCIL			
Head of Communities			
Enforcement Activity	Brief Description of Activity	Cabinet Member Portfolio	Overview and Scrutiny Committee responsibility
Community Protection Notice	<p>Community Protection Notices bring together a number of previous environmental powers, such as Litter Clearing Notices, Street Litter Control Notices and Defacement Removal Notices. A CPN is a notice that imposes any of the following requirements on an individual or body issued with it:</p> <ul style="list-style-type: none"> • A requirement to stop doing specified things • A requirement to do specified things • A requirement to take reasonable steps to achieve specified results. <p>• A Community Protection Notice has no upper limit in terms of time scale.</p> <p>A Community Protection Notice must be preceded by the Issuing by an authorised officer with a Community Protection Notice Warning this warning notice last's for up to six months and warns the perpetrator if they breach the warning notice it will be followed by a full Community Protection Notice as above</p>	Communities and Housing	Regeneration and Skills

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Civil Injunction	<p>The injunction replaces the stand alone ASBO and the ASBI. Injunctions apply to individuals aged 10 and over and, unlike ASBOs and ASBIs, will impose positive requirements as well and prohibitions. The Local Authority may apply to the court to have the powers of arrest attached to a injunction where it can prove threats and aggressive behaviour can be proven against the offender.</p>	Communities and Housing	Regeneration and Skills
Criminal Behaviour Order	<p>The Criminal Behaviour Order can be issued by a court following a conviction for a criminal offence. The CBO replaces the post-conviction ASBO or CRASBO as well as the Drinking Banning Order. Like Injunctions, CBOs can impose positive requirements as well as prohibitions.</p> <p>Police dispersal powers:</p> <p>The new police dispersal power replaces two police powers: section 30 of the Anti-Social Behaviour Act 2003 (dispersing groups) and section 27 of the Violent Crime Reduction Act 2006 (direction to leave for up to 48 hours in cases of alcohol related ASB and disorder). The new power has two elements:</p> <ul style="list-style-type: none"> • Section 35 Direction to Leave – where 	Communities and Housing	Regeneration and Skills

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	<p>an officer can direct a person to leave a specified area for a specified time period.</p> <ul style="list-style-type: none"> • Section 37 Surrender of Property – additionally an officer who gives direction under section 35 may also direct a person to surrender any item in their possession that is likely to cause to be used in behaviour that causes harassment, alarm or distress to other members of the public. 		
<p>Public Space Protection Order</p>	<p>Public Space Protection Orders replace previous powers to make Designated Public Place Orders (to control consumption of alcohol), Dog Control Orders (covering 5 offences of failing to remove dog faeces, not keeping dog on a lead, permitting dog to enter land from which dogs are excluded and taking more than a certain number of dogs onto public land) and Gating Orders (to restrict right of way to reduce ASB, crime and disorder). The PSPO enables the local authority to impose conditions on the use of an area in order to deal with a particular problem or nuisance.</p> <p>Closure of premises associated with nuisance or disorder:</p> <p>These new powers merge four previous powers (Crack House Closures and Nuisance Premises Closures under the</p>	<p>Communities and Housing</p>	<p>Regeneration and Skills</p>

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	<p>Anti-Social Behaviour Act 2003, 24 hour Noisy Premises Closure Order and Police Power Section 61 Closure Orders) into one streamlined system. Closure Notices can be issued by the police or local authority for 24 hours (and up to 72 hours where necessary) when satisfied on reasonable grounds:</p> <ul style="list-style-type: none">• that the use of particular premises has resulted or is likely soon to result in nuisance to members of the public, or• that there has been or is likely soon to be disorder near those premises associated with the use of those premises.• Closure Orders up to a period of 3 months can be sought from a magistrate's court by police and local authority <p>The Conditions of an order include:</p> <ul style="list-style-type: none">• that a person has engaged, or is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or• that the use of the premises has resulted, or is likely to result, in serious nuisance to members of the public, or• that there has been, or is likely to be, disorder near those premises associated with the use of the premises• and that the order is necessary to prevent the behaviour, nuisance or		
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	disorder from continuing, recurring or occurring.		
Gang Injunction	<p>Gang injunctions allow courts to place a range of prohibitions and requirements on the behaviour and activities of a person involved in gang-related violence. These conditions could include prohibiting someone from being in a particular place or requiring them to participate in rehabilitative activities. The aim of a gang injunction is to prevent a person from engaging in, encouraging or assisting gang-related violence and may also serve to protect them from gang-related violence. Gang injunctions aim to prevent serious violence from occurring, break down violent gang culture and engage gang members in positive activities to help them leave the gang.</p> <p>Gang injunctions are a valuable tool in preventing gang-related violence alongside a range of other prevention, detection and enforcement measures. Breach of a Gang Injunction can lead to custodial sentences.</p>	Communities and Housing	Regeneration and Skills
Head of Highways and Public Protection			
Enforcement Activity	Brief Description of Activity	Cabinet Member Portfolio	Overview and Scrutiny Committee responsibility

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Parking	Enforcement of all “non-moving” Traffic Regulation Orders	Regulation, Compliance and Corporate Services	Regulation, Compliance and Corporate Services
Environmental	Enforcement of littering, dog fouling and PSPO dog control	Regulation, Compliance and Corporate Services	Regulation, Compliance and Corporate Services
Highways	All Enforcement under the Highways Act 1980, this includes obstructions, skips, scaffold, hoardings, pavement café’s, vehicles for sale, etc	Locality Services	Regeneration and Skills
Food Hygiene	<ul style="list-style-type: none"> • Proactive inspection programme of food businesses to monitor that food is manufactured, produced and retailed in a safe way. • Investigation of complaints about unhygienic practices and/or premises and unfit food. • Taking of food samples to determine whether it is microbiologically safe to eat. <p>Investigating confirmed and alleged cases of foodborne illness.</p>	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Food Standards	<ul style="list-style-type: none"> • Project/topic based inspection programme of food businesses to enforce the labelling and composition of food is legal e.g. allergens. • Taking of food samples to determine whether is consistent with its description e.g. meat speciation, alcohol spirits, allergens. 	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services

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	Investigation of consumer complaints in relation to food composition.		
Health & Safety at Work	<ul style="list-style-type: none"> • Project/topic based inspection programme to reflect national priorities determined by HSE of local evidence based priorities. • Investigation of accidents notified under RIDDOR. <p>Investigation of complaints about unsafe workplaces or lack of welfare facilities.</p>	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Pollution Control	<ul style="list-style-type: none"> • Proactive inspection and issuing of permits to those premises that require one under the LAPPC regime that seeks to control the most polluting industrial processes. <p>Investigation of complaints of statutory nuisance in relation to noise, dust, smoke, odour, light etc. where the source of the alleged nuisance is a commercial operation.</p>	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Licensing	<ul style="list-style-type: none"> • Issue a variety of licences/registrations notably for <ul style="list-style-type: none"> • Alcohol and Regulated Entertainment • Gambling • Animal welfare e.g. pet shops, animal boarding, riding establishments etc. • Skin piercing operations e.g. 	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services

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	<p>tattooing, acupuncture, electrolysis</p> <ul style="list-style-type: none"> • Proactive inspection programme of premises to ensure they are complying with their licence in relation to alcohol and regulated entertainment • Facilitate reviews of licences when requested by a responsible authority or community representatives. <p>Investigation of complaints that premises are not operating in accordance with any conditions attached to their licence.</p>		
Taxi Licensing	<ul style="list-style-type: none"> • Proactive inspection of vehicles to ensure they are complying with Licence conditions • Review “borderline” DBS checks in accordance with convictions policy to determine if it is appropriate to licence/renew <p>Investigate complaints from members of the public about drivers, vehicles and operators.</p>	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Environmental Health (Domestic)	<ul style="list-style-type: none"> • Investigate complaints relating to statutory nuisance affecting domestic premises and land including; domestic noise, nuisance from animal, accumulations of waste, filthy and verminous premises /persons. 	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services

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	<ul style="list-style-type: none"> • Investigation of complaints relating to blocked, defective drainage, sewage contaminations and rodent activity • Investigate and undertake Public Health Funerals for those with no next of kin 		
Environmental Enforcement	<ul style="list-style-type: none"> • Investigation of complaints relating to environmental crimes including fly tipping, business waste control, overhanging trees obstructing the highway, dog fouling and littering 	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Dog Control	<ul style="list-style-type: none"> • Seizure of stray dogs • Investigation of complaints relating dangerous dogs and dog attacks • Investigation of complaints and enforcement relating to dog control including dog fouling, dogs on leads, dogs out of control, dogs not microchipped. 	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Trading Standards	<p>Agriculture</p> <ul style="list-style-type: none"> • Animal Feed inspections (farm & industrial premises) • Animal Feed Import Controls (Monitoring, Surveillance & Sampling) 	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services

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	<ul style="list-style-type: none"> • Animal Health & Welfare inspections (including 'animal licensing') • Investigation of consumer complaints (criminal) <p>Product Safety</p> <ul style="list-style-type: none"> • Import Controls (including product testing) • Investigation of complaints and proactive enforcement of underage sales • Proactive inspections • Investigation of consumer complaints (criminal) <p>Fair Trading</p> <ul style="list-style-type: none"> • Counterfeit Goods • Door Step Crime / Rogue Traders • Proactive inspections • Investigation of consumer complaints (criminal) <p>Metrology</p> <ul style="list-style-type: none"> • Weights & Measures (inspections and verifications) • Investigation of Consumer Complaints (Criminal) 		
Head of Locality Services (Green Sefton)			
Enforcement	Brief Description of Activity	Cabinet Member Portfolio	Overview and Scrutiny

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Activity			Committee responsibility
Wildlife and Countryside Act 1981 (Also CROW Act 2000)	<p>Wardening and awareness of / permission for actions / activities being undertaken on Sefton's land, authorised or otherwise. Monitoring, recording and reporting of damage / disturbance to special / endangered features, habitats or species. Provide support to lead agency for prosecutions. Staff trained to challenge activities which are against the Acts and to record such incidents and any evidence.</p> <p>Duty - raising awareness of and encouraging compliance with national legislation that protects species. LA's expected to adopt the highest standards in relation to Sites of Special Scientific Interest (SSSI's) that they own, in order to secure positive management of the Sites of Special Scientific Interest in accordance with an agreed management scheme. Duty in relation to authorising operations likely to damage any special features of Sites of Special Scientific Interest.</p>	Health and Wellbeing	Regeneration and Skills
Conservation of Habitats and Species Regulations 2010	<p>Wardening and awareness of / granting permission for actions / activities being undertaken on Sefton's land, authorised or otherwise. Monitoring, recording and reporting of damage / disturbance to special / endangered features, habitats</p>	Health and Wellbeing	Regeneration and Skills

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	<p>or species. Provide support to lead agency for prosecutions Staff trained to challenge activities which are against the Regulations and to record such incidents and any evidence.</p> <p>Duty - LAs must exercise their functions under the enactments relating to nature conservation so as to secure compliance with the Habitats Directive.</p> <p>Requires competent authorities (which include local authorities) to have regard to the requirements of the Directive in exercising any of their functions so far as those requirements may be affected by the exercise of those functions.</p>		
<p>The Clean Neighbourhoods and Environment Act 2005 The Dog Control Orders (Prescribed Offences and penalties etc.) Regulations 2006 Fouling of Land by Dogs (Metropolitan Borough of Sefton) Order 2014 Public Space Protection Order (Metropolitan</p>	<p>Specific Staff / Officers have powers to issue fixed penalties for dog-fouling and littering. Monitoring, recording and reporting of fly-tipping and other litter / ASB. Provide support to lead department for prosecutions Staff trained to challenge activities which are against the Acts / Orders and to record such incidents and any evidence.</p>	<p>Regulatory, Compliance and Corporate Services</p>	<p>Regulatory, Compliance and Corporate Services</p>

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Marine and Coastal Access Act 2009	<p>Wardening and awareness of / granting permission for actions / activities being undertaken on Sefton's land, authorised or otherwise. Staff trained to challenge activities which are against the Acts / Orders and to record such incidents and any evidence</p> <p>Inshore Fisheries and Conservation Authorities (IFCAs.) Committee or joint committee of LAs and volunteers. Will ensure that conservation measures of the Marine and Coastal Access Act are implemented effectively. Duty on public authorities to take any authorisation or enforcement decisions in accordance with appropriate marine policy documents, unless relevant policy considerations indicate otherwise. Duty on public authorities when taking other types of decisions that relate to the exercise of any function capable of affecting the marine area to have regard to appropriate marine policy documents in taking any decisions.</p>	Health and Wellbeing	Regeneration and Skills
Bathing Water Regulations 2008	Wardening and awareness of environmental conditions and of activities by LA and others that might impact on bathing Water Quality. Staff	Health and Wellbeing	Regeneration and Skills

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	<p>trained to challenge activities which are against the Acts / Orders and to record such incidents and any evidence.</p> <p>If the local authority is aware of a risk to bathers' health from: intestinal enterococci or E.coli; cyanobacterial proliferation; proliferation of macro-algae or phytoplankton; waste including tarry residues, glass, plastic or rubber, or any other incident that may pose a risk to bathing water quality or bathers' health, they must consult the Environment Agency, notify the local sewerage undertaker, take appropriate management measures to protect bathers' health and in the case of pollution by waste, remove the waste. These measures apply to the bathing water and not to the adjacent beach – This is compliance, however there is an enforcement role with respect to private controllers – Sefton still retains responsibility for the Bathing Water at Formby - to consult the Environment Agency and the private controller (National Trust) and notify the local sewerage undertaker if the contamination occurs at a bathing water controlled by a private controller.</p>		
Byelaws – relating to sites	Awareness of byelaws relating to Green Sefton sites – Seashore, Sandhills, Local	Health and Wellbeing	Regeneration and Skills

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	<p>Nature Reserve, Pleasuregrounds and Open Spaces, Dogs on beaches, Open Water Navigation. Staff trained to challenge activities which are against the byelaws and to record such incidents and any evidence.</p> <p>In most cases, byelaw infringements are solved on the spot by reasoning with people or by calling the police. No recent history of prosecutions under byelaws. Education and awareness raising are priority and byelaws are useful to this end.</p> <p>Developing Normal Operating Procedures to deal with incidents.</p>		
<p>Highways Act - regulations relating to off-road vehicles</p>	<p>Specific offences under Highways Act are followed up by the police. Staff are trained to recognise these offences and thus be able to support the Police in any prosecutions etc. Liaison with 'beachsafe' / police regarding vehicle ASB.</p> <p>Natural England would lead if damage to SSSI / SAC / SPA / Natura 2000, police / Sefton may collaborate depending on circumstances.</p>	<p>Health and Wellbeing</p>	<p>Regeneration and Skills</p>
<p>Internal Policy - Codes of conduct and permit systems for specific activities</p>	<p>Develop and enforce codes of conduct and permit systems to help meet our statutory duties e.g. under byelaws and habitats regulations.</p>	<p>Health and Wellbeing</p>	<p>Regeneration and Skills</p>

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<p>related to H&S and ensuring people do not damage sites protected under legislation or infringe byelaws</p>	<p>E.G. for vehicles using beaches for legitimate reasons – check insurance, issue permits and keys to gates and check beach users on site. Maintain databases. Liaise with 'beachsafe' / police regarding vehicle ASB. Rescind permits if rules and regulations laid down by Council are not adhered to. E.G. Power kite zone at Ainsdale Beach – rules and conditions in place, permit system used to check compliance and insured status E.G. – horses using beaches is a voluntary code of conduct Vehicle permit system for foreshore Kite permit system for kite zone Both time limited to insurance period. Compliance to rules and conditions and suitable insurance is required to maintain permit Horses – voluntary code of conduct Metal detectors – voluntary code of conduct</p>		
<p>General - Anti-social Behaviour</p>	<p>Incident Reporting and Site Inspection role, identifying hotspots, working with Neighbourhoods, community groups, volunteers and placements to tackle specific issues, develop network of 'eyes and ears', change behaviours, act as ambassadors. Recorded / reported through incident</p>	<p>Health and Wellbeing</p>	<p>Regeneration and Skills</p>

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	reporting – normally byelaw related (see above)		
Land Drainage Act	Section 21 Enforcement of obligations to repair watercourses, bridges, etc.	Locality Services	Regeneration and Skills
Land Drainage Act	Section 23&24 Prohibition on obstructions etc. in watercourses	Locality Services	Regeneration and Skills
Land Drainage Act	Section 25 Powers to require works for maintaining flow of watercourse	Locality Services	Regeneration and Skills
Coast Protection Act	Section 12 General powers of maintenance and repair of works. Where it appears to a coast protection authority that for the protection of land in their area any works are in need of maintenance or repair, the authority may serve on the owner and occupier of the land on which the works are situated a notice specifying the work of maintenance or repair.	Health and Wellbeing	Regeneration and Skills
Coast Protection Act	Section 18 Prohibition of excavation etc., of materials on or under the seashore. It shall be the duty of a coast protection authority to enforce the provisions of this section as respects any portion of the seashore to which those provisions are applied by an order made by them	Health and Wellbeing	Regeneration and Skills
Internal Policy - Allotments	Monitoring, recording and reporting of infringements. Provide support for further action. Council has a duty to provide allotments under the Allotments Act. Where tenants are not meeting the terms of their agreement, they can be forced to vacate.	Health and Wellbeing	Regeneration and Skills
Internal Policy -	Monitoring, recording, reporting and	Health and Wellbeing	Regeneration and Skills

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Travellers	serving notice on unauthorised traveller encampments on Green Sefton land in accordance with policy.		
Chief Planning Officer			
Enforcement Activity	Brief Description of Activity	Cabinet Member Portfolio	Overview and Scrutiny Committee responsibility
Planning	Unauthorised development, built development and changes of use, development monitoring (adherence to plans), breach of conditions, untidy land, illegal adverts, high hedges, listed building, TPO and conservation area trees, recovery of s106 contributions	Planning and Building Control	Regeneration and Skills
Building Control	Dangerous buildings and structures, vacant and insecure properties, safety at sports grounds, unauthorised works, Building Regulation Contraventions, demolitions, monitoring inspections (low level enforcement)	Planning and Building Control	Regeneration and Skills
Head of Corporate Resources			
Enforcement Activity	Brief Description of Activity	Cabinet Member Portfolio	Overview and Scrutiny Committee responsibility
Reminders	For missed payments of Council Tax, Business Rates and Sundry Income.	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Final Notice	For missed payments of Council Tax, Business Rates and Sundry Debt	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Summonses	For Outstanding arrears of Council Tax	Regulatory, Compliance	Regulatory, Compliance and

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	and Business Rates. Application is made for a Liability Order allowing the Council to use further powers of debt recovery.	and Corporate Services	Corporate Services
14-day Letters	For outstanding arrears of Council Tax and Business rates	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Attachment to Benefits	Preferred Collection method for Council Tax where tax payer is in receipt of a qualifying benefit and a Liability Order has been obtained.	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Attachment to Earnings	Preferred Collection method for Council Tax where tax payer a Liability Order has been obtained and employment details are known.	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Referrals to Enforcement Agents	For Outstanding arrears of Council Tax and Business rates	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services (N.B. The Code of Conduct for Enforcement Agents is subject to regular review by the Committee)
Referrals to Debt Collection Agents	For Outstanding arrears of Sundry Income, Small CTAX Balances, Council Tax Arrears from an existing claimant of Council Tax Reduction	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Charging Orders	For Outstanding arrears of Council Tax and Business Rates where the debtor owns the property	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Statutory Notices	Pre-cursor to an application for Insolvency	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services
Summonses for Committal	Used only in extreme cases as a last resort where all the above actions up to and including Referral to Enforcement Agents or Debt Collection has failed.	Regulatory, Compliance and Corporate Services	Regulatory, Compliance and Corporate Services

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<p>Insolvency</p>	<p>Used only in extreme cases as a last resort where all the above actions up to and including Referral to Enforcement Agents or Debt Collection has failed.</p>	<p>Regulatory, Compliance and Corporate Services</p>	<p>Regulatory, Compliance and Corporate Services</p>
<p>Note: All the above are determined by legislation as to when they can be used. The key content of notices is also defined in regulation. For the purposes of Council Tax and Business Rates all are defined as 'Collection and Enforcement' in regulation but would be considered as collection and debt recovery operationally.</p>			
<p>Notification of recoverable Housing Benefit (HB) overpayment in accordance with Regulation 100 of the Housing Benefit regulations, 2006.</p> <p>A decision must be made from whom to seek recovery; usually claimant or landlord.</p>	<p>Numerous methods of recovery:</p> <ul style="list-style-type: none"> • If a claimant continues to have on-going entitlement to HB the overpayment can be recovered through statutory rates of clawback from their on-going entitlement to HB. • If recovery direct from landlord can recover from future landlord payment for other claimants. • Invoice issued to claimants or landlords were recovery form on-going not an option. • Can apply directly to the DWP for recovery direct from prescribed DWP benefits. • Can apply directly to employers to have HB overpayment recovered direct from earnings; if employment details known. The changes in statutory legislation means that such debt no longer requires to be registered with the courts and it is an offence for an 	<p>Regulatory, Compliance and Corporate Services</p>	<p>Regulatory, Compliance and Corporate Services</p>

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	employer not to comply.		
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